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PATENT APPLICATION
Docket No. 15257.3.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

John M. Guynn)	
Serial No.:	10/729,000) Art Unit
) 3643
Filed:	December 5, 2003)
Conf. No.:	9102)
For:	CHILD RESTRAINT DEVICE AND METHOD OF USE)
Examiner:	Andrea M. Valenti)
Customer No.:	022913)

AMENDMENT "G" AND RESPONSE

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action of July 20, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A restraint device for use in holding or restraining a child in a desired position, comprising:

a pair of opposing handles, each configured to be gripped by a person's hand; and
~~attachment means~~ a corset or harness for attaching the pair of opposing handles adjacent to a child's body on opposite sides of a child's body so as to lie on a central balancing plane during use,

the corset or harness ~~attachment means~~ being configured so that at least one handle lies next to a child's body or clothing while the restrain device is worn so that a hand gripping the handle remains close to the child's body during use and so that at least a portion of the hand gripping the handle is disposed between at least a portion of the handle and the child's body,

~~the handles being each handle having a loop that extends vertically between upper and lower edges of the corset or harness and sized so as to allow insertion therein of at least three fingers of a person using the device to hold or restrain a child,~~

the handles extending laterally away from a surface of the corset or harness ~~attachment means~~ so as to provide an opening into which a person can readily insert fingers without spreading the handles apart from the corset or harness ~~attachment means~~,

at least one handle being permanently attached to the corset or harness ~~attachment means~~ to prevent inadvertent detachment of the at least one handle from the corset or harness ~~attachment means~~ to protect a child from being accidentally dropped during use of the restraint device.

2. (Currently Amended) A restraint device as defined in claim 1, ~~the handles comprising at least one loop~~, the loop comprising at least one of a fabric, plastic, elastomer, metal, ceramic, or composite material, the loop having an opening that accommodates insertion of four fingers therethrough while gripping the loop.

3. (Currently Amended) A restraint device as defined in claim 1, ~~the corset or harness attachment means~~ comprising a single sheet or strap of a flexible material configured so as to wrap at least partially around a child's body.

4. (Currently Amended) A restraint device as defined in claim 1, ~~the corset or harness attachment means~~ comprising a plurality of straps configured so as to wrap at least partially around a child's torso or limbs.

5. (Currently Amended) A restraint device as defined in claim 1, ~~the corset or harness attachment means~~ comprising one or more fastening devices configured so as to releasably attach the attachment means to a child's body.

6. (Currently Amended) A restraint device as defined in claim 5, the fastening devices comprising one or more of a hook and loop system, a buckle, a tie, a snap, a latch, or a ratchet.

7. (Currently Amended) A restraint device as defined in claim 1, ~~the corset or harness attachment means~~ configured and the handles positioned relative to the ~~corset or harness attachment means~~ so as to position one of the handles at or near a child's spine and the other of the handles at or near the child's sternum.

8. (Currently Amended) A restraint device as defined in claim 1, ~~the corset or harness attachment means~~ configured and the handles positioned relative to the ~~corset or harness attachment means~~ so as to position the handles so that both lie on a central balancing plane that passes through a child's spine and sternum or a central balancing plane that passes through a child's left and right shoulders.

9. (Previously Presented) A restraint device as defined in claim 1, further comprising a head restraining system comprising a concave region configured to receive and engage at least a portion of a child's skull region in order for the head restraining system to restrain the child's head in a desired position relative to the child's body when the head restraint system is in use.

10. (Previously Presented) A restraint device for use in holding or restraining a child in a desired position and in a balanced fashion with a single hand of a person desiring to restrain the child, the restraint device comprising:

a flexible corset or harness sized and configured so as to wrap around at least a portion of a child's body, wherein the corset or harness comprises a plurality of flexible straps that are laterally spaced apart that wrap at least partially around the child's torso but that expose at least a portion of the child's body between the flexible straps so as to permit washing of the exposed portion of the child's body between the flexible straps;

at least one fastening device connected to the corset or harness that permits selective fastening and unfastening of the corset or harness around at least a portion of the child's body; and

a handle, extending laterally away from the flexible corset and configured to be gripped by a person's hand, permanently attached to a location on the corset or harness in a manner so that the handle is positioned next to the child's body or clothing adjacent to the spine, sternum, stomach or chest of the child's body when the restraint device is in use, so that a hand gripping the handle remains close to the child's body when the restraint device is in use, and so that at least a portion of the hand gripping the handle is disposed between at least a portion of the handle and the child's body adjacent to a central balancing plane of the child's body passing through the child's spine or sternum during use.

11. (Previously Presented) A restraint device as defined in claim 10, the handle comprising a loop having an opening that easily accommodates insertion of at least three of a person's fingers therethrough while gripping the loop.

12. (Original) A restraint device as defined in claim 10, the handle having sufficient friction that it can be reliably gripped without significant slippage when contacted with soapy water.

13. (Original) A restraint device as defined in claim 10, the corset or harness comprising at least one of a fabric, plastic, elastomer, metal or composite material.

14. (Cancelled)

15. (Cancelled)

16. (Previously Presented) A restraint device as defined in claim 10, the corset or harness further comprising one or more flexible straps sized and configured so as to wrap around at least one of a child's shoulders or legs.

17. (Previously Presented) A restraint device as defined in claim 10, further comprising a head restraint device comprising a concave region configured to receive and engage at least a portion of a child's skull region in order for the head restraint device to restrain the child's head in a desired position relative to the child's body when the restraint device is in use.

18. (Original) A restraint device as defined in claim 10, wherein the fastening device comprises at least one of a hook and loop system, a buckle, a tie, a snap, a latch, or a ratchet.

19. (Original) A restraint device as defined in claim 10, further comprising a second handle attached to the corset or harness in a manner so that the second handle is positioned at or near a central balancing plane on an opposite side of the child's body relative to the handle when the restraint device is in use.

20. (Currently Amended) A method of holding or restraining a child in a desired position while giving the child a bath, comprising:

releasably attaching a restraint device to a torso of the child in order for at least one strap of the device to be circumferentially wrapped around the torso and so that a handle attached to the at least one strap extends laterally away from the strap so as to provide an opening into which fingers can be inserted and is positioned at or near a central balancing plane of the child's body between the child's head and buttocks and so that a portion thereof extends laterally away from the child's body to facilitate gripping of the handle; and

gripping the handle with a first hand so as to hold or restrain the child in at least one of a sitting, standing or upright position within a container or basin that holds therein a quantity of water in order to prevent the child from falling over; and

washing the child with a second hand while gripping the handle with the first hand.

21. (Original) A method as defined in claim 20, the child being held in at least one of a sitting or standing position during at least a portion of time in which the child is held or restrained within the container or basin.

22. (Original) A method as defined in claim 20, wherein the handle is attached adjacent to the child's spine or sternum.

23. (Original) A method as defined in claim 20, wherein the handle is attached adjacent to the child's side.

24. (Previously Presented) A method as defined in claim 20, further comprising releasably attaching a second handle on a side of the child's body opposite the handle so that the second handle is positioned at or near the central balancing plane of the child's body.

25. (Previously Presented) A method as defined in claim 24, further comprising gripping both handles while lifting the child into or out of the container or basin.

26. (Original) A method as defined in claim 20, wherein the container or basin comprises a bath tub.

27. (Currently Amended) A restraint device for use in holding or restraining a child in a desired position, comprising:

a flexible corset or harness sized and configured so as to wrap around at least a portion of a child's body;

at least one fastener connected to the corset or harness that permits selective fastening and unfastening of the corset or harness around at least a portion of the child's body; and

a releasable handle, configured to be gripped by a person's hand, positioned next to the child's body or clothing adjacent to the child's spine, sternum, stomach or chest so that a hand gripping the handle remains close to the child's body when the restraint device is in use and so that at least a portion of the hand gripping the handle is disposed between at least a portion of the handle and the child's body, the releasable handle comprising:

a pair of straps, each having a first end permanently attached to the corset or harness, that may be selectively connected and unconnected and that form a loop when selectively attached; and

releasable and reconnectable attachment means, attached to second ends of the straps opposite the first end, for selectively connecting and disconnecting the pair of cooperating straps so as to selectively form and unform the loop.

28. (Currently Amended) A restraint device for use in holding or restraining a child in a desired position, comprising:

a flexible corset or harness sized and configured so as to wrap around at least a portion of a child's body;

at least one fastening device connected to the corset or harness that permits selective fastening and unfastening of the corset or harness around at least a portion of the child's body;

a handle attached to the corset or harness in a manner so that the handle is positioned adjacent to the child's body and between the child's head and buttocks when the restraint device is in use, the handle being configured to be gripped by a person's hand so that at least a portion of the hand gripping the handle is disposed near the child's body; and

a head restraint device comprising:

a head engaging member having a concave region configured to receive and engage at least a portion of a child's skull region in order for the head restraining device to attach to a child's head and restrain the child's head in a desired position relative to the child's body when the restraint device is in use;

a first restraint strap extending from the head engaging member to a rear portion of the flexible corset or harness; and

a second restraint strap extending from the head engaging member to a front portion of the flexible corset or harness.

29. (Currently Amended) A restraint device for use in holding or restraining a child in a desired position, comprising:

a flexible corset or harness comprising one or more straps sized and configured so as to wrap around at least a portion of a child's body;

at least one fastener connected to the corset or harness that permits selective fastening and unfastening of the corset or harness around at least a portion of the child's body;

a central balancing handle, configured to be gripped by a person's hand, attached to the corset or harness in a manner so that the handle has a loop, all or most of which is disposed between upper and lower edges of the flexible corset or harness, so as to be positioned next to the child's body or clothing and so as to lie lies on a central balancing plane of the child's body that passes through either (i) the child's spine and sternum or (ii) the child's shoulders and at least partially between the child's head and buttocks so that a hand gripping the handle remains close to the child's body and lies on a central balancing plane of the child's body when the restraint device is in use;

optionally, an opposing balancing handle positioned on an opposite side of the flexible corset or harness relative to the central balancing handle having a loop, all or most of which is disposed between the upper and lower edges of the flexible corset or harness, such that the restraint device consists of either one hand gripping handle consisting of the central balancing handle or two hand gripping handles consisting of the central balancing handle and the opposing balancing handle; and

at least one of:

one or more strips of a cushioning material disposed on at least a portion of an inner surface of the one or more straps so as to shield and protect soft, sensitive skin of a baby or young child from the one or more straps when in use, the cushioning material comprising at least one member selected from the group comprising fleece, felt, other soft and flexible fabrics, silicone, other polymeric gel materials, polyurethane foam, and other soft and flexible foam materials, or

a friction enhancing material disposed on at least a portion of an inner surface of the one or more straps so as to decrease the tendency of the restraint device to move in an unwanted fashion relative to the child's body when in use.

REMARKS

Claims 1-13 and 16-29 remain pending in the application, wherein claims 1-8, 20 and 27-29 have been amended. Reconsideration and allowance for the above-identified application are now respectfully requested in view of the foregoing amendments and following remarks.

Claim 1 was amended to more particularly claim embodiments illustrated in Figures 6A, 6B, 7B, 14A, 14B, 15A, 15B, 16A, 16A, 18A and 18B, which include a pair of handles and a corset and harness used to attach the handles to opposite sides of a child's body, each handle including a loop that extends vertically between upper and lower edges of the corset or harness. This configuration provides improved balance and control when holding a child, as illustrated in Figures 18A and 18B, with the hands of the person holding the child being positioned vertically relative to the child's body adjacent to the corset or harness. This allows the person to lift the child in a natural fashion that better approximates how a child would be held in the absence of the handles. If the handles were to instead comprise a pair of loops extending above the harness or corset, the hands gripping such handles would need to be rotated to an approximately horizontal position above the harness or corset. This would put more strain on the person's wrists when the arms are positioned as shown in Figures 18A and 18B compared to the more natural hand orientation shown in these drawings.

Claim 1 distinguishes over Farnum I (US 5,647,378) and Farnum II (US 6,073,280), which disclose an invalid support belt that includes a pair of loops on opposite sides of a belt portion 12 that extend entirely above an upper edge of belt portion 12. As discussed above, providing loops as in Farnum I and II would require the person gripping the handles to rotate the hands into a horizontal position when gripping the handles. Because the invalid support belt of Farnum I and II is specifically designed for use in hoisting the generally heavy and unsteady body of an invalid, the loop arrangement shown in Farnum I and II makes sense. It allows someone to firmly grip the loops from above and securely hoist the invalid upwards. Because a substantial amount of strength is typically required to securely lift an invalid, it would not make sense to change the loops of the invalid support belt so as to extend vertically between upper and lower edges, as illustrated in Figures 6A, 6B, 7B, 14A, 14B, 15A, 15B, 16A, 16A, 18A and 18B of the present application and recited in claim 1 as amended.

In contrast to the requirements of Farnum I and II, in which the invalid support belt must be able to lift a heavy and possibly dead weight body of an invalid, the child restraint device of

claim 1 is specifically designed for use with an infant or young child of relatively low body weight. Because of this, it become advantageous, rather than disadvantageous, to provide a child restraint device having a corset or harness with handles having the orientation recited in claim 1 as amended. Thus, while nothing in Farnum I or II prevents the use of the disclosed device on a child, Farnum I or II neither teach nor suggest modifying the invalid support belt to include handles that are oriented relative to the corset or harness as recited in amended claim 1. Moreover, modifying the invalid support belt of Farnum I or II to include handles oriented as in amended claim 1 would likely undermine the purpose for which the invalid support belt is designed to provide—the ability to securely hoist the heavy and possibly dead weight body of an invalid. Accordingly, it would be contrary to Farnum I and II to provide a child restraint device having the combination of features recited in claim 1 as amended. Claims 2-8 were amended to maintain proper antecedent basis.

Claim 10 alternatively claims embodiments of a child restraint device that include a corset or harness having a plurality of flexible straps that are laterally spaced apart that wrap at least partially around the child's torso but that expose at least a portion of the child's body between the flexible straps so as to permit washing of the exposed portion of the child's body between the flexible straps. Farnum I teaches away from a device having laterally spaced apart straps. According to Farnum I, an express object of the invention is to provide a patient lifting belt which "retains body heat" and in which "lifting forces are not concentrated". Col. 1, lines 27-28. To provide this object, the belt portion 12 is "generally rectangular", has a width "such that it extends approximately from the waist to the bread area of the wearer", and is comprised of closed cell neoprene rubber. Col. 1, line 54; col. 2, lines 4-7, 33-35. Farnum I goes on to explain that '[t]he relatively large width of the belt portion 12, which extends from the hips to the breast area of the patient, provides more surface area contact to ensure more stability for safety and is less likely to cause injury or discomfort by distributing the weight of an individual over a larger area. . . . Moreover, the exposed inner surface of the belt portion 12 minimizes the possibility of slippage to increase patient comfort and safety." Col. 2, lines 36-44. Because the large, rectangular, continuous surface area of the belt portion 12 of Farnum I is an important and necessary feature of the invalid support belt disclosed therein, one of skill in the art would not have been motivated to modify Farnum I to include the plurality of laterally spaced apart straps

of Cohen (US 6,122,778) as urged in the office action. Accordingly, Applicant submits that claim 10 as previously presented is patentable over the art of record.

Claim 20 alternatively claims a method of holding or restraining a child in a desired position while giving the child a bath, comprising releasably attaching a restraint device to a torso of the child, gripping the handle with a first hand so as to hold or restrain the child in at least one of a sitting, standing or upright position within a container or basin that holds therein a quantity of water in order to prevent the child from falling over, and washing the child with a second hand while gripping the handle with the first hand (*e.g.*, as illustrated in Figures 3 and 4). Farnum I does not disclose any such method. Instead, Farnum I discloses an invalid support belt that is used to hoist the relatively heavy and possibly dead weight body of an invalid. Farnum I also teaches that the invalid support belt is water resistant and can be immersed in water during bathing of the invalid. Though the office action correctly notes that there is nothing in Farnum I that would prevent the invalid support belt from being used with a child, this inherency argument is only applicable in the context of claims directed to the device itself, not to a method that specifically requires giving a child a bath. There is nothing in Farnum I regarding a method for giving a child a bath and none may be inferred absent some express teaching.

Moreover, because the purpose of the Farnum I device is to hoist the relatively heavy and possibly dead weight body of an invalid, it will generally be necessary for the person stabilizing the invalid to grip both loops simultaneously in order to stabilize the invalid's body. Letting go of one loop may result in a fall or injury to the invalid. Hence, there is no teaching or suggesting in Farnum I for a method of bathing a child in which a first hand is used to grip a handle attached to the child and a second hand is used to wash the child while gripping the handle with the first hand. Accordingly, claim 20 as amended defines a method that is neither taught nor suggested in Farnum I or II or any other art of record.

Claim 27 alternatively recites a child restraint device that includes a releasable handle comprising a pair of straps, each having a first end permanently attached to the corset or harness, and releasable and reconnectable attachment means, attached to second ends of the straps opposite the first end, for selectively connecting and disconnecting the pair of cooperating straps so as to selectively form and unform the loop. Farnum I fails to disclose a releasable handle having a pair of straps, each having a first end permanently attached to a corset or harness. Instead, Farnum I discloses a non-releasable, single piece handle that is permanently stitched

together. Farnum I therefore fails to disclose "reconnectable attachment means". For this reason, the office action combines O'Conner (US 1,310,958) to provide this admittedly missing element. However, O'Conner also fails to disclose a releasable handle having a pair of straps permanently attached at a first end and reconnectable attachment means disposed at second ends opposite the first end. Instead, retaining straps 18 are themselves removably attached to belt or strap 1 by means of spring-hooks 19 (*i.e.*, no portion of handles 18 are permanently attached to belt or strap 1). That the loops of retaining straps 18 may themselves be undone by means of the belt buckle feature shown in the drawing is of no import. That feature does not somehow transform spring-hook 19 into a permanent attachment. Moreover, the belt buckle feature does not comprise "reconnectable attachment means disposed at second ends opposite the first end", which is itself permanently attached to a corset or harness. Accordingly, even if O'Conner were combined with Farnum I, the combined teachings of these references would not teach or suggest every element of claim 27 as amended.

Claim 28 alternatively recites a child restraint device that includes a head restraint device comprising a head engaging member having a concave region configured to receive and engage at least a portion of a child's skull region, a first restraint strap extending from the head engaging member to a rear portion of the flexible corset or harness, and a second restraint strap extending from the head engaging member to a front portion of the flexible corset or harness (*e.g.*, as illustrated in Figure 12). The benefit of including first and second restraint straps as shown in Figure 12 is that the head is supported from falling forward and backward by the oppositely positioned straps without requiring a rigid frame. Providing a flexible harness or corset is desirable as it is much more comfortable against the generally tender and fragile body of an infant or child. In contrast to claim 28, the head restrain system of Thune (US 5,007,413) requires a rigid frame 1 reinforced with a metal rod 2. Col. 2, lines 47-48, 59-66. Without such rigid elements, there would be no way for the helmet 7 of the Thune device to keep a child's head from bobbing backwards and forwards. In any event, the combination of Farnum I and Thune neither teaches nor suggests the combination of elements recited in claim 28 as amended, included the aforementioned head engaging member, first restraint strap, and second restraint strap of a head restraint system.

Claim 29 alternatively claims a child restraint device that includes, among other things, a corset or harness, at least one fastener, a central balancing handle attached to the corset or harness

in a manner so that the handle has a loop, all or most of which is disposed between upper and lower edges of the flexible corset or harness, and optionally, an opposing balancing handle positioned on an opposite side of the flexible corset or harness having a loop, all or most of which is disposed between the upper and lower edges of the flexible corset or harness, such that the restraint device consists of either one hand gripping handle consisting of the central balancing handle or two hand gripping handles consisting of the central balancing handle and the opposing balancing handle. Examples of child restraint devices "consisting of" one single hand gripping handle that is sized and configured relative to the corset or handle in the manner recited in claim 29 are shown in Figures 3-5 and 9-13. Examples of child restraint devices "consisting of" two hand gripping handles sized and configured relative to the corset or handle in the manner recited in claim 29 are shown in Figures 6A, 18A and 18B. Devices that include one or two handles having a loop (or loops), "all or most of which is [or are] disposed between upper and lower edges of the flexible corset or harness", confines the hand of a person gripping the handle to a region immediately adjacent to an outer surface of the harness or corset. This causes the gripping hand to be located immediately next to where the harness or corset is attached to the child's body, which provides better balance and control compared to a loop that extends entirely above an upper edge of the harness or corset.

For example, the invalid support belt of Farnum I consists of three handles, two of which are loops extending entirely above the belt member 12. The child restraint device of claim 29 expressly "consists of either one hand gripping handle consisting of the central balancing handle or two hand gripping handles consisting of the central balancing handle and the opposing balancing handle". Claim 29 therefore excludes a device having two handles that extend entirely above an upper edge of the corset or harness (e.g., so as to exclude unstable gripping elements that a person might inadvertently snag or intentionally group in a manner that could destabilize the infant or child). Because these two handles are an important and necessary feature of Farnum I, it would be contrary to Farnum I to omit these handles. For this reason, claim 29 is neither anticipated by nor obvious over Farnum I, either alone or in combination with any other art of record.

In conclusion, Applicant submits that the Application is currently in allowable form. In the event that the Examiner finds any remaining impediment to a prompt allowance of this

application that may be clarified through a telephone interview or which may be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 22nd day of August 2006.

Respectfully submitted,



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JMG:sp
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